

CS FOR HOUSE BILL NO. 227(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered: 3/13/98
Referred: Finance

Sponsor(s): REPRESENTATIVES PHILLIPS, Cowdery

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Alaska Capital Improvement Project Authority; relating**
2 **to the powers and duties of the Department of Transportation and Public**
3 **Facilities; and providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1. FINDINGS AND INTENT.** (a) The legislature finds that

6 (1) well planned, constructed, and maintained transportation systems and public
7 facilities are essential to promoting the public health, safety, and welfare of citizens of the
8 state;

9 (2) consistent, long-term planning is necessary for efficient operation of state
10 and municipal governments and to maximize participation of the private sector in the design
11 and construction of transportation systems and public facilities;

12 (3) the public interest is best served by establishing a planning process for
13 capital improvements to transportation systems and public facilities that provides stability,
14 consistency, and continuity from the initial conception of a project to the completion of

1 construction of the project;

2 (4) the substantial investment of public funds in transportation systems and
3 public facilities requires the establishment of an entity that is responsible and accountable for
4 establishing policies for the planning of transportation systems and public facilities and that
5 is distinct from the planning staff that develops capital improvement projects for transportation
6 systems and public facilities.

7 (b) It is the intent of the legislature that the Alaska Capital Improvement Project
8 Authority

9 (1) review, revise, prioritize, and approve plans for transportation systems and
10 public facilities that are funded with state, federal, and other nonstate funds;

11 (2) determine the allocation of available funding resources among the various
12 categories and classes of transportation systems;

13 (3) maximize the use of state, federal, and other nonstate funds for the purpose
14 of improving the transportation infrastructure of the state;

15 (4) evaluate and prioritize projects using methods that are consistent with
16 criteria required by the Federal Aviation Administration, Federal Highway Administration, and
17 other funding sources.

18 * **Sec. 2.** AS 44.42 is amended by adding new sections to read:

19 **Article 2. Alaska Capital Improvement Project Authority.**

20 **Sec. 44.42.110. Alaska Capital Improvement Project Authority.** (a) There
21 is created in the Department of Transportation and Public Facilities the Alaska Capital
22 Improvement Project Authority.

23 (b) The authority consists of seven members. Members of the authority are
24 appointed by the governor and subject to confirmation by a majority of the members
25 of the legislature in joint session. The members serve for staggered five-year terms
26 and until a successor is appointed. A vacancy among the members of the authority
27 occurring other than by expiration of term shall be filled in the same manner as the
28 original appointment but only for the unexpired term and until a successor is
29 appointed. The members of the authority may be removed by the governor only for
30 cause.

31 (c) The governor shall appoint at least one member, but not more than two

1 members, of the authority from among the residents of each of the four judicial
 2 districts in the state. Two members of the authority must have experience in the
 3 operation, management, or use of modes of surface transportation facilities, including
 4 highways, railroads, mass transportation facilities, or recreational transportation
 5 facilities. Two members of the authority must have experience in the operation,
 6 management, or use of modes of air transportation facilities, including airports,
 7 commercial or private aviation facilities, or passenger or freight air services facilities.
 8 Two members of the authority must have experience in the operation, management, or
 9 use of modes of water-borne transportation facilities, including ports and harbors,
 10 passenger or freight service facilities, recreational transportation facilities, or ferries.
 11 One member of the authority must have experience in the operation, management, or
 12 use of public buildings or public facilities other than transportation facilities.

13 (d) The members of the authority serve without compensation but are entitled
 14 to per diem and travel expenses authorized for boards and commissions under
 15 AS 39.20.180. The members of the authority shall comply with AS 39.50 (conflict of
 16 interest).

17 (e) The members of the authority shall select a chair from among its members.
 18 Four members of the authority constitute a quorum. The authority may take action
 19 upon the affirmative vote of four of its members.

20 **Sec. 44.42.120. Powers and duties of the authority.** (a) The authority shall
 21 review, revise as appropriate, and approve the following plans and programs prepared
 22 by the department for capital improvement projects for the construction and
 23 maintenance of transportation and public facilities constructed, operated, or maintained
 24 by the department:

25 (1) construction and maintenance program for state-owned airports and
 26 air navigation facilities under AS 02.15.065;

27 (2) construction and maintenance program for highways under
 28 AS 19.10.140 and 19.10.150;

29 (3) five-year plan for local service roads and trails under AS 19.30.141;

30 (4) comprehensive plan for the Alaska marine highway system under
 31 AS 19.65.011;

1 (5) construction and maintenance program for state-owned marine
2 facilities under AS 35.10.085;

3 (6) state transportation plan under AS 44.42.050;

4 (7) state public facility procurement plan under AS 44.42.055.

5 (b) The authority shall allocate the funding available for transportation systems
6 among the categories and classes of transportation systems and approve plans and
7 programs for transportation systems that are consistent with that allocation.

8 (c) Plans and programs approved by the authority shall be submitted to the
9 governor and legislature.

10 (d) The authority shall review, revise as appropriate, and approve the capital
11 improvement projects budget for transportation and public facilities prepared and
12 proposed by the department to implement the plans and programs approved by the
13 authority under (a) of this section and the allocations adopted under (b) of this section.

14 The department shall include in the proposed budget submitted to the authority the
15 projects to be undertaken during the following two fiscal years and a ranking of
16 priorities for the projects. The capital improvement project budget approved by the
17 authority shall be submitted to the governor for inclusion in the state capital projects
18 budget and to the legislature.

19 (e) The authority shall maximize the use of available federal funds for
20 planning, construction, and maintenance of transportation systems and public facilities
21 of the state to the extent permitted by federal law.

22 (f) The authority may submit proposals for capital improvement projects for
23 construction and maintenance of transportation and public facilities to the governor for
24 inclusion in supplemental or special appropriation bills.

25 (g) The authority may hire the minimum of staff, including a director,
26 necessary to efficiently perform the functions of the authority.

27 (h) The authority has independent fiscal, budgeting, and administrative powers
28 necessary to independently perform the functions of the authority. The authority is a
29 state agency for purposes of AS 37.07. The legislature shall appropriate money from
30 the general fund sufficient to provide the authority with funds to pay salaries, per
31 diem, travel expenses, hearing costs, and administrative costs of the authority.

1 (i) The annual operating budget of the department is not subject to review or
2 approval under this section.

3 **Sec. 44.42.130. Fees; regulations.** (a) The authority shall set fees, charges,
4 tolls, and rentals for the use of toll facilities under AS 37.15.740 by regulations
5 adopted under AS 44.62 (Administrative Procedure Act).

6 (b) The authority shall establish standards for marking and posting highways,
7 for traffic control signals, and for determination of speed limits and speed zones by
8 regulations adopted under AS 44.62 (Administrative Procedure Act). The department
9 shall propose standards for consideration and adoption by the authority under this
10 subsection.

11 * **Sec. 3.** AS 02.15 is amended by adding a new section to read:

12 **Sec. 02.15.065. Construction and maintenance program for airports and**
13 **air navigation facilities.** (a) The department shall establish a continuing, long-range
14 planning procedure for construction and maintenance of state-owned airports and air
15 navigation facilities.

16 (b) The department shall prepare annually a capital improvement project
17 construction and maintenance program for state-owned airports and air navigation
18 facilities that, subject to appropriation by the legislature, must include the projects to
19 be undertaken by the department during the following construction season, must
20 establish project priorities, and must describe proposed capital improvement projects
21 for construction and maintenance of state-owned airports and air navigation facilities
22 for at least the next succeeding two fiscal years. The department may propose
23 increases, decreases, amendments, or revisions to the construction and maintenance
24 program from time to time as circumstances warrant. The capital improvement project
25 construction and maintenance program and changes to the program, as proposed by the
26 department, are subject to review, revision, and approval of the Alaska Capital
27 Improvement Project Authority.

28 (c) Before February 2 of each year, the department shall prepare a list of
29 capital improvement projects for construction and maintenance of airports and air
30 navigation facilities that have been either proposed by the department, approved by the
31 Alaska Capital Improvement Project Authority, or funded by an appropriation by the

1 legislature. The list must set out a general itemization of the estimated cost for each
 2 project and the total estimates of all projects. The department shall send the list to the
 3 Alaska Capital Improvement Project Authority.

4 (d) This section does not apply to the state-owned international airports at
 5 Anchorage and Fairbanks.

6 * **Sec. 4.** AS 19.05.040 is amended to read:

7 **Sec. 19.05.040. Powers of department.** The department may

- 8 (1) acquire property;
- 9 (2) exercise the power of eminent domain;
- 10 (3) take immediate possession of real property, or any interest in it
 11 under a declaration of taking or by other lawful means;
- 12 (4) acquire rights-of-way for present or future use;
- 13 (5) control access to highways;
- 14 (6) regulate roadside development;
- 15 (7) preserve and maintain the scenic beauty along state highways;
- 16 (8) dispose of property acquired for highway purposes;
- 17 (9) accept and dispose of federal funds or property available for
 18 highway construction, maintenance, or equipment;
- 19 (10) enter into contracts or agreements relating to highways with the
 20 federal government, municipalities, a political subdivision, or with a foreign
 21 government, if the contract is approved by the federal government;
- 22 (11) [ESTABLISH, LEVY, AND] collect tolls, fees, charges, and
 23 rentals for the use of state roads, highways, bridges, tunnels, crossings, and causeways;
 24 and
- 25 (12) exercise any other power necessary to carry out the purpose of
 26 AS 19.05 - AS 19.25.

27 * **Sec. 5.** AS 19.10.040 is amended to read:

28 **Sec. 19.10.040. Uniform system of marking and posting.** The department
 29 shall classify, designate, and mark highways under its jurisdiction **under standards**
 30 **adopted by the Alaska Capital Improvement Project Authority. The Alaska**
 31 **Capital Improvement Project Authority shall adopt regulations establishing**

1 **standards for** [AND SHALL PROVIDE] a uniform system of marking and posting
2 these highways. The system of marking and posting must correlate with and, as far
3 as possible, conform to the recommendations of the Manual on Traffic Control Devices
4 as adopted by the American Association of State Highway Officials.

5 * **Sec. 6.** AS 19.10.050 is amended to read:

6 **Sec. 19.10.050. Traffic control signals.** The **Alaska Capital Improvement**
7 **Project Authority** [DEPARTMENT] shall prescribe types of traffic control signals to
8 regulate traffic on highways. These signals must correlate with and, as far as possible,
9 conform to the recommendations of the Manual on Uniform Traffic Control Devices
10 as adopted by the American Association of State Highway Officials. The **Alaska**
11 **Capital Improvement Project Authority** [DEPARTMENT] shall adopt uniform
12 regulations for the placing and installation of traffic control signals.

13 * **Sec. 7.** AS 19.10.070 is amended to read:

14 **Sec. 19.10.070. Speed limits and zones.** The department may conduct
15 investigations with the assistance of the Department of Public Safety and shall
16 determine safe speed limits and safe speed zones on highways and other roadways
17 under its jurisdiction **in accordance with standards adopted by the Alaska Capital**
18 **Improvement Project Authority.**

19 * **Sec. 8.** AS 19.10.072(a) is amended to read:

20 (a) In determining safe speed limits and safe speed zones, the department shall
21 **comply with** [CONSIDER] the **standards adopted by the Alaska Capital**
22 **Improvement Project Authority under this section. The Alaska Capital**
23 **Improvement Project Authority shall adopt standards for determining safe speed**
24 **limits and safe speed zones. In adopting the standards, the Alaska Capital**
25 **Improvement Project Authority shall consider the** following factors in the order of
26 priority listed:

- 27 (1) neighborhood safety, including the presence of children and
28 pedestrian traffic;
- 29 (2) the presence of schools, houses, parks, and crosswalks;
- 30 (3) the presence of driveways, parked vehicles, and multiple turn
31 locations;

1 (4) that speed at which safe and prudent drivers could pass through the
2 speed zone; [AND]

3 (5) the effectiveness of local enforcement of the speed zone; **and**

4 **(6) other factors the Alaska Capital Improvement Project Authority**
5 **considers appropriate.**

6 * **Sec. 9.** AS 19.10.140 is amended to read:

7 **Sec. 19.10.140. Long-range program for highway construction and**
8 **maintenance.** The [GOVERNOR SHALL REQUIRE THE] department **shall** [TO]
9 establish a continuing, long-range program for highway construction and maintenance.
10 **Subject to review, revision, and approval by the Alaska Capital Improvement**
11 **Project Authority, the** [THE] program must annually project proposed **capital**
12 **improvement projects for** construction and maintenance of highways for not less than
13 the next succeeding five years. A statement of the **approved** program shall be
14 submitted by the governor to the legislature annually, and the **approved** long-range
15 program shall include in detail the **construction** program **proposed** [PREPARED]
16 under AS 19.10.150. **The authority may make amendments to an approved**
17 **program that affect projects for construction or maintenance of highways**
18 **approved by the Federal Highway Administration only if the amendments are**
19 **adopted in accordance with the program review, revision, and approval process**
20 **established by the authority.**

21 * **Sec. 10.** AS 19.10.150 is amended to read:

22 **Sec. 19.10.150. Construction program.** (a) Before February 2 of each year,
23 the department shall prepare a statement showing what **capital improvement projects**
24 **for** construction **of highways have been either proposed** [WORK HAS BEEN
25 REQUESTED AND PROPOSED AND MAY BE UNDERTAKEN] by the department,
26 **approved by the Alaska Capital Improvement Project Authority, or funded by an**
27 **appropriation by the legislature.** The statement must set **out** [FORTH] a general
28 itemization of the estimated cost for each project and the total estimates of all projects.
29 **The department shall send the statement to the Alaska Capital Improvement**
30 **Project Authority.**

31 (b) The department shall **prepare** [ADOPT] a construction program which

1 must include the projects to be undertaken by the department [IT] during the
 2 following construction season and must establish project priorities. The department
 3 may propose increases, decreases, amendments, or revisions of [INCREASE,
 4 DECREASE, AMEND, OR REVISE] the construction program from time to time as
 5 circumstances warrant. The construction program and changes to the program are
 6 subject to review, revision, and approval by the Alaska Capital Improvement
 7 Project Authority.

8 * **Sec. 11.** AS 19.30.141 is amended to read:

9 **Sec. 19.30.141. Acquisition and construction programs.** Before October 1
 10 of each fiscal year, each local government eligible for allocation of funds under
 11 AS 19.30.131 shall submit to the commissioner [FOR APPROVAL] a five-year plan
 12 for the acquisition and construction of local service roads and trails. Before
 13 December 1 of each fiscal year, the commissioner shall submit to the Alaska Capital
 14 Improvement Project Authority for review, revision, and approval [GOVERNOR]
 15 a five-year plan for the acquisition and construction of local service roads and trails,
 16 including the approved local government programs. An organized borough shall
 17 include in its five-year plan local service road acquisition and construction programs
 18 for all cities other than home rule cities within the boundaries of the borough. The
 19 commissioner shall include in the five-year plan local service road and trail acquisition
 20 and construction within the unorganized borough. The Alaska Capital Improvement
 21 Project Authority shall submit the approved five-year plan to the governor and
 22 the legislature.

23 * **Sec. 12.** AS 19.65.011 is amended to read:

24 **Sec. 19.65.011. Comprehensive long-range plan.** The Department of
 25 Transportation and Public Facilities shall prepare a comprehensive long-range plan for
 26 the development and improvement of the Alaska marine highway system and shall
 27 revise and update the plan at least every five years. The department shall submit the
 28 comprehensive long-range plan and revisions and updates of the plan to the Alaska
 29 Capital Improvement Project Authority for review, revision, and approval. The
 30 authority shall submit the approved plan to the legislature.

31 * **Sec. 13.** AS 30.15.010 is amended to read:

1 **Sec. 30.15.010. State grants for port facilities construction.** To the extent
 2 funds are appropriated by the legislature, or from the proceeds from the sale of bonds,
 3 the state may make grants to municipalities to finance a portion of the cost of
 4 constructing local, regional, or state port facilities. The state shall participate only in
 5 those projects approved by the governor on recommendation of the **Alaska Capital**
 6 **Improvement Project Authority** [COMMISSIONER].

7 * **Sec. 14.** AS 35.10 is amended by adding a new section to article 2 to read:

8 **Sec. 35.10.085. Construction and maintenance program for marine**
 9 **facilities.** (a) The department shall establish a continuing, long-range planning
 10 procedure for construction and maintenance of state-owned marine facilities, including
 11 harbors, docks, breakwaters, and waterways.

12 (b) The department shall prepare annually a capital improvement project
 13 construction and maintenance program for state-owned marine facilities that, subject
 14 to appropriation by the legislature, must include the projects to be undertaken by the
 15 department during the following construction season, must establish project priorities,
 16 and must describe proposed capital improvement projects for construction and
 17 maintenance of state-owned marine facilities for at least the next succeeding two fiscal
 18 years. The department may propose increases, decreases, amendments, or revisions to
 19 the construction and maintenance program from time to time as circumstances warrant.
 20 The capital improvement project construction and maintenance program and changes
 21 to the program, as proposed by the department, are subject to review, revision, and
 22 approval of the Alaska Capital Improvement Project Authority.

23 (c) Before February 2 of each year, the department shall prepare a list of
 24 capital improvement projects for construction and maintenance of marine facilities that
 25 have been either proposed by the department, approved by the Alaska Capital
 26 Improvement Project Authority, or funded by an appropriation by the legislature. The
 27 list must set out a general itemization of the estimated cost for each project and the
 28 total estimates of all projects. The department shall send the list to the Alaska Capital
 29 Improvement Project Authority.

30 * **Sec. 15.** AS 35.10.100 is amended to read:

31 **Sec. 35.10.100. Determining need and priority of projects.** The department

1 shall prepare the preliminary determination of need for each project of the type
 2 described in AS 35.10.090 and its feasibility and appropriateness through
 3 representations and data submitted to the department [IT] by the residents of each
 4 community desiring a project, and from other information available to it. The
 5 department shall submit the preliminary determination for each project to the
 6 Alaska Capital Improvement Project Authority. The Alaska Capital
 7 Improvement Project Authority may approve projects, and, if the authority
 8 approves any projects, the authority shall determine the [AND MAKE THE
 9 FINAL DETERMINATION OF THOSE PROJECTS, AND THEIR] order or priority
 10 for which application is made for those projects.

11 * **Sec. 16.** AS 37.15.730 is amended to read:

12 **Sec. 37.15.730. Review of toll facility projects.** A toll facility may be
 13 financed under AS 37.15.610 - 37.15.760 if the following conditions are met for that
 14 toll facility:

15 (1) the department submits to the governor and the legislature a
 16 feasibility study reviewed and approved by the Alaska Capital Improvement
 17 Project Authority that finds that the toll facility is financially feasible and able to
 18 produce revenue adequate to repay the bonds with which it is financed;

19 (2) if financing in addition to revenue bonds is required to finance the
 20 toll facility, the department submits to the governor and legislature a finance plan
 21 reviewed and approved by the Alaska Capital Improvement Project Authority that
 22 includes an estimate of the total cost of the toll facility and a description of the sources
 23 of money that will be used to finance the total cost of the toll facility; and

24 (3) the office of management and budget reviews the feasibility study
 25 and the finance plan, if required, and reports its findings and recommendations to the
 26 governor and legislature not later than 90 days after the study and plan are received
 27 by the office.

28 * **Sec. 17.** AS 37.15.740 is amended to read:

29 **Sec. 37.15.740. Toll facility charges.** The Alaska Capital Improvement
 30 Project Authority [COMMISSIONER OF TRANSPORTATION AND PUBLIC
 31 FACILITIES] shall fix [AND COLLECT] the fees, charges, tolls, and rentals for the

1 **use of state toll facilities. The Department of Transportation and Public Facilities**
 2 **shall collect the fees, charges, tolls, and rentals owing to** [DERIVED BY] the state
 3 from the ownership, lease, use, and operation of the facilities authorized by
 4 AS 37.15.720 and 37.15.730 and improvements of the facilities. **The amount of fees,**
 5 **charges, tolls, and rentals set by the authority shall** [AS WILL] provide revenue
 6 sufficient to comply with all of the covenants of the bond resolution.

7 * **Sec. 18.** AS 37.15.760(7) is amended to read:

8 (7) "toll facilities" means highways, roads, bridges, tunnels, crossings,
 9 and causeways upon which tolls, charges, rentals, or other user fees are placed by the
 10 **Alaska Capital Improvement Project Authority** [COMMISSIONER OF
 11 TRANSPORTATION AND PUBLIC FACILITIES].

12 * **Sec. 19.** AS 39.50.200(b) is amended by adding a new paragraph to read:

13 (56) Alaska Capital Improvement Project Authority (AS 44.42.110).

14 * **Sec. 20.** AS 44.42.020(a) is amended to read:

15 (a) The department shall

16 (1) plan, design, construct, and maintain all state modes of
 17 transportation and transportation facilities and all docks, floats, breakwaters, buildings,
 18 and similar facilities;

19 (2) study existing transportation modes and facilities in the state to
 20 determine how they might be improved or whether they should continue to be
 21 maintained;

22 (3) study alternative means of improving transportation in the state with
 23 regard to the economic costs of each alternative and its environmental and social
 24 effects;

25 (4) develop a comprehensive, long-range intermodal transportation plan
 26 for the state;

27 (5) study alternatives to existing modes of transportation in urban areas
 28 and develop plans to improve urban transportation;

29 (6) cooperate and coordinate with and enter into agreements with
 30 federal, state, and local government agencies and private organizations and persons in
 31 exercising its powers and duties;

1 (7) manage, operate, and maintain state transportation facilities and all
2 docks, floats, breakwaters, and buildings, including all state highways, vessels,
3 railroads, pipelines, airports, and aviation facilities;

4 (8) study alternative means of transportation in the state, considering
5 the economic, social, and environmental effects of each alternative;

6 (9) coordinate and develop state and regional transportation systems,
7 considering deletions, additions, and the absence of alterations;

8 (10) develop facility program plans for transportation and state
9 buildings, docks, and breakwaters required to implement the duties set out in this
10 section, including [BUT NOT LIMITED TO] functional performance criteria and
11 schedules for completion;

12 (11) supervise and maintain all state automotive and mechanical
13 equipment, aircraft, and vessels, except vessels and aircraft used by the Department of
14 Fish and Game or the Department of Public Safety; for state vehicles maintained by
15 the department, the department shall annually evaluate the cost, efficiency, and
16 commercial availability of natural gas for automotive purposes, and the purpose for
17 which the vehicles are intended to be used, and convert or purchase vehicles to use
18 [UTILIZE] natural gas whenever practicable; the department may participate in joint
19 ventures with public or private partners that will foster the availability of natural gas
20 for all automotive fuel consumers;

21 (12) supervise aeronautics inside the state, under AS 02.10;

22 (13) complete and maintain a current inventory of public facilities,
23 including a projection of the serviceability of the facilities and projections of
24 replacements and additions to facilities needed to provide the level of services
25 programmed by the various user agencies, for municipalities with populations
26 of less than 12,000 and for unincorporated communities, and perform those
27 duties on a cooperative basis with larger municipalities;

28 (14) adopt energy performance standards for public facilities of the
29 state, the construction of which begins after July 1, 1980; the standards shall be based
30 on thermal and lighting energy standards established by the American Society of
31 Heating, Refrigeration and Air Conditioning Engineers as adapted for application in

1 high latitude, cold climate environs;

2 (15) provide planning assistance, including [BUT NOT LIMITED TO]
3 energy audits and related technical services, to school districts and regional educational
4 attendance areas to develop and implement

5 (A) standards for the design, construction, and operation of rural
6 educational facilities; and

7 (B) energy conservation measures for rural educational facilities

8 (16) implement the safety and financial responsibility requirements for
9 air carriers under AS 02.40;

10 (17) inspect weights and measures;

11 **(18) submit to the Alaska Capital Improvement Project Authority**
12 **for review, revision, and approval**

13 **(A) plans and programs prepared by the department that**
14 **are described under AS 44.42.120;**

15 **(B) proposed capital improvement project budgets to fund**
16 **the plans and programs approved by the Alaska Capital Improvement**
17 **Project Authority;**

18 **(19) provide information requested by the Alaska Capital**
19 **Improvement Project Authority.**

20 * **Sec. 21.** AS 44.42.050(a) is amended to read:

21 (a) The commissioner shall develop annually a comprehensive, intermodal,
22 long-range transportation plan for the state. In developing and revising the state plan,
23 the commissioner shall consider means and costs of improving existing modes and
24 facilities, state and federal subsidies, and the costs and benefits of new transportation
25 modes and facilities. The commissioner shall also consider the recommendation of the
26 Alaska Transportation Planning Council. The plan shall be submitted to the **Alaska**
27 **Capital Improvement Project Authority** [GOVERNOR] for review, **revision,** and
28 approval. **The authority shall submit the approved plan to** [AND SUBMITTED
29 BY] the governor **and** to the legislature.

30 * **Sec. 22.** AS 44.42.050(c) is amended to read:

31 (c) Copies of the plan **and revisions of the plan,** as **approved by the Alaska**

1 **Capital Improvement Project Authority** [REVISED], shall be kept on file as a
2 public document in the office of the commissioner and at each regional office of the
3 department.

4 * **Sec. 23.** AS 44.42.050(d) is amended to read:

5 (d) The plan must include a description of projects planned for design and
6 construction for the following two **fiscal** years. The description is in addition to the
7 long-range **programs** [PLAN] required by (a) of this section and by **AS 02.15.065,**
8 **AS 19.10.140,** **and AS 35.10.085.** The description must include an itemization of the
9 estimated cost for each project and the total cost of all projects. The commissioner
10 shall propose and forward to the **Alaska Capital Improvement Project Authority**
11 [GOVERNOR] for review, **revision,** and approval [AND INCLUSION,
12 AS APPROVED, IN THE CAPITAL BUDGET] a construction program that includes
13 the projects to be undertaken during the following two **fiscal** years, including
14 recommended project priorities. **The Alaska Capital Improvement Project**
15 **Authority shall submit the approved construction program to the governor for**
16 **inclusion in the capital budget and to the legislature.** Funds for transportation
17 construction projects and necessary contingencies shall be itemized as allocations
18 within the bill for the General Appropriations Act.

19 * **Sec. 24.** AS 44.42.055(b) is amended to read:

20 (b) In developing and biennially revising the facility procurement plan, the
21 commissioner shall

22 (1) request and receive on an annual basis from all state agencies a
23 projection of the anticipated facility needs of the agency for the next annual capital
24 improvement program;

25 (2) consult with officials and representatives of municipalities, the
26 federal government, interested corporations and other organizations concerning public
27 facility needs in the state;

28 (3) develop specific facility procurement plans for projects in each of
29 the following categories:

30 (A) sewage and other wastewater collection, treatment, and
31 disposal facilities;

- 1 (B) water source, treatment, and distribution facilities;
 2 (C) solid waste collection and disposal facilities;
 3 (D) hazardous and toxic waste collection and disposal facilities;
 4 (E) electrical generation and distribution systems;
 5 (F) health care and social services facilities;
 6 (G) educational facilities;
 7 (H) transportation facilities;
 8 (I) public safety and justice facilities;
 9 (J) recreational facilities;
 10 (K) sanitation facilities; and
 11 (L) cultural facilities;
- 12 (4) prepare recommendations to accommodate the various levels of
 13 service identified by state agencies and other parties with respect to the services
 14 described in (3) of this subsection, to include
- 15 (A) current and future facility needs;
 16 (B) space standards and design guidelines for the appropriate
 17 facility types;
 18 (C) maintenance and operations standards for the appropriate
 19 facility types;
 20 (D) construction techniques and contracting methods;
 21 (E) facility project budget requirements; and
 22 (F) relative costs of identified alternatives (life cycle cost
 23 analysis) including but not limited to the installation and operation of energy
 24 systems that are not dependent on oil or gas for water heating, space heating
 25 and cooling requirements, and for the generation of electrical or mechanical
 26 power;
- 27 (5) identify common public facility needs among the various user
 28 agencies; and
- 29 (6) submit the commissioner's [ITS] findings, plans, and
 30 recommendations to the Alaska Capital Improvement Project Authority for review,
 31 revision as appropriate, and approval [GOVERNOR AND TO THE APPROPRIATE

1 STATE AGENCY TO FACILITATE THE DEVELOPMENT OF AGENCY CAPITAL
2 IMPROVEMENT BUDGET REQUESTS].

3 * **Sec. 25.** AS 44.42.900 is amended by adding new paragraphs to read:

4 (4) "authority" means the Alaska Capital Improvement Project
5 Authority;

6 (5) "capital improvement project" means a project with a cost
7 exceeding \$10,000 to acquire or improve a transportation or public facility with an
8 anticipated life exceeding one year; in this paragraph, "project" includes land
9 acquisition, construction, repair, or structural improvement of a facility, engineering
10 and design for a facility, and acquisition or repair of equipment.

11 * **Sec. 26.** AS 44.47.092 is amended to read:

12 **Sec. 44.47.092. Land use planning and state facility procurement plan.**

13 The department shall make recommendations to the Department of Transportation and
14 Public Facilities, to the Alaska Capital Improvement Project Authority, and to
15 appropriate program agencies concerning the effect upon the comprehensive plan or
16 other land use plans or proposals of municipalities and unincorporated communities
17 with respect to the facility procurement plan required to be prepared in accordance
18 with AS 35.10.170 and AS 44.42.055.

19 * **Sec. 27. SAVINGS CLAUSE.** (a) Litigation, hearings, investigations, and other
20 proceedings pending under a law amended or repealed by this Act, or in connection with
21 functions transferred by this Act, continue in effect and may be continued and completed
22 notwithstanding a transfer or amendment or repeal provided for in this Act.

23 (b) The regulations adopted by the Department of Transportation and Public Facilities
24 that relate to functions transferred by this Act remain in effect and may be implemented and
25 enforced by the department until the Alaska Capital Improvement Project Authority adopts its
26 own regulations under AS 44.42 and those regulations take effect.

27 * **Sec. 28. INITIAL APPOINTMENT OF MEMBERS OF THE ALASKA CAPITAL**
28 **IMPROVEMENT PLANNING AUTHORITY.** Notwithstanding AS 44.42.110, added by
29 sec. 2 of this Act, the governor shall designate persons initially appointed to serve as members
30 of the Alaska Capital Improvement Project Authority to terms as follows: one person to a one-
31 year term, one person to a two-year term, two persons to a three-year term, one person to a

1 four-year term, and two persons to a five-year term.

2 * **Sec. 29.** CONFORMANCE WITH OTHER LEGISLATION. If a bill transferring the
3 Alaska marine highway system to a state authority is passed by the Twentieth Alaska State
4 Legislature and enacted into law, the provisions of that bill as enacted into law supersede
5 conflicting provisions of sec. 12 of this Act and other provisions of this Act relating to the
6 Alaska marine highway system.

7 * **Sec. 30.** This Act takes effect July 1, 1998.